

## EVOLUTION OF THE CONSTITUTIONAL SYSTEM OF THE RUSSIAN FEDERATION

At the turn of 20th century, Russia experienced another political transformation in its long history. The transformation meant a fundamental change of the State's constitutional system, as well as the transformation of philosophy and manner of governing the country. Unlike all the previous Russian transformations, the recent one was evolutionary, and basically peaceful. However, even this time the change was not performed without tragic occurrences and extraordinary situations. These were however incidental, not mass. In the course of the last twenty years, we have been witnessing Russia's "extraordinary process of transformation from a communist state to a democratic (as far as general assumptions are concerned) state of law"<sup>2</sup>.

Russian political transformation can be divided into three basic stages. The first stage – moving away from soviet political institutions – took place between 1989 and 1991 and ended in the collapse of the USSR. The second stage – the stage of constitutional temporary measure – took place between 1992 and 1993, and terminated on 12<sup>th</sup> December 1993 with the adoption of constitution in the course of a nationwide referendum. The third stage – stage of semi-presidential system of government<sup>3</sup>, "model of government with strong presidential power"<sup>4</sup>, lasting from the day of adopting the Constitution of the Russian Federation in the course of a nationwide referendum on 12<sup>th</sup> December 1993<sup>5</sup> until today.

---

1 Jarosław Matwiejuk, University of Białystok.

2 J. Kowalski, *Konstytucja Federacji Rosyjskiej a rosyjska i europejska tradycja konstytucyjna*, Warszawa–Poznań 2009, p. 398.

3 This system is an intermediate form of government between parliamentary and presidential systems. The President of France Charles de Gaulle is recognized as its creator. More on the subject of the system of government: *Konstytucyjne systemy rządów*, ed. M. Domagała, Warszawa 1997. B. Banaszak, *Prawo konstytucyjne*, Warszawa 2008, p. 530.

4 T. Bichta, M. Kowalska, W. Sokół, *System polityczny Rosji*, (in:) *Systemy polityczne państw Europy Środkowej i Wschodniej*, eds. W. Sokół, M. Żmigrodzki, Lublin 2005, p. 405.

5 The Constitution was published on 25th December 1993 in *Rosyjskaja Gazieta*, No. 237 and it came into force on that day. The text of the Constitution i.a. (in:) *Rosyjskie prawo konstytucyjne. Ustrojowe akty prawne*, ed. W. Staśkiewicz, tom I, Warszawa 2005, pp. 15–49. Uniform text of the constitution was Publisher in *Rosyjskaja Gazieta* on 21<sup>st</sup> January 2009. See also the text of the Constitution in Russian on: <http://www.kremlin.ru/acts>.

A substantial and appropriate characteristic of the Russian Federation's transformation process requires showing its origin, complexity as well as the multiple aspects of its causes. The beginning of Russian political transformation is generally considered as an entire sequence of reforms initiated in the last period of existence of the Union of Soviet Socialist Republic by Mikhail Gorbachev – the General Secretary of the Central Committee of the Communist Party of the Soviet Union. He initiated the policy of “uskorienija” (acceleration), the policy of “perestrojka” (restructuring) and the policy of “glasnosti” (openness) between 1985 and 1988.

The purpose of the three crucial reforms was gradual and limited implementation of democracy in the State, construction of civic society and political liberalisation conducted, what is worth noticing, still in the conditions of a functioning communist state. Their fundamental character was limited to broadening and realizing the catalogue of civic liberties as well as significant restriction of censorship, and therefore – broadening the freedom of not only public expression of thoughts, views, beliefs but also conscience and faith. Gorbachev's reforms triggered changes, which created an appropriate atmosphere to perform a socially expected reform of constitutional system leading in the direction of democracy and pluralism.

Constitutional reform, which triggered political transformation first in the Soviet Union and then in Russia, was conducted on the basis of multiple amendments introduced to the constitution binding at that time – the Constitution of USSR of 7<sup>th</sup> October 1977<sup>6</sup>, performed between 1988 and 1992, as well as modelled and usually subsequent amendments to the Constitution of the Russian Soviet Federative Socialist Republic of 12<sup>th</sup> April 1978<sup>7</sup>. Eight amendments to the USSR Constitution introduced between 1988 and 1990<sup>8</sup> were especially fundamental for this process, including the USSR Constitution revision of 1<sup>st</sup> December 1988<sup>9</sup>, which triggered the political reforms, and 10 amendments to the RSFSR

6 The text of the Constitution of USSR was published in all Soviet daily newspapers, including “Prawda” on 8th October 1977.

7 The text of the RSFSR Constitution was published on 13th April 1978 in “Sowietskaja Rossija”.

8 The amendments to the Constitution of the USSR: 1. Zakon SSSR ot 1 diekabria 1988 g., N 9853–XI „Ob izmieniach i dopelniach Konstytucii (Osnownogo Zakona) SSSR”, 2. Postanowienie WS SSSR ot diekabria 1988 g. N 9854–XI „O poriadkie wwidienija w diejstwije Zakona SSSR „Ob izmieniach i dopelniach Konstytucii (Osnownogo Zakona) SSSR”, 3. Zakon SSSR ot 20 diekabria 1989 g. N 961–I „Ob utocnienii niekatorych polozenij Konstytucii (Osnownogo Zakona) SSSR po woprosam poriadka diejatelnosti Sjezda narodnych dieputatow SSSR, Wierchownojo Sowieta SSSR i ich organow”, 4. Zakon SSSR ot 20 diekabria 1989 g. N 963–I „Ob izmieniach i dopelniach Konstytucii (Osnownogo Zakona) SSSR po woprosam izbiratelnoj sistemy”, 5. Zakon SSSR ot 23 diekabria 1989g. N 974–I „Ob izmieniach i dopelniach statii 125 Konstytucii (Osnownogo Zakona) SSSR”, 6. Zakon SSSR ot 14 marta 1990 diekabria 1988g. N 1360–I „Ob uczezdienii posta Prezidenta SSSR i wniesienii izmieniach i dopelniach w Konstytuciju (Osnownoj Zakon)”, 7. Zakon SSSR ot 26 diekabria 1990g. N 1861–I „Ob izmieniach i dopelniach Konstytucii (Osnownogo Zakona) SSSR w swiazi z sowierszestowanijem sistemy gosudarstwennogo uprawlenija”, 8. Zakon SSSR ot 29 diekabria 1990 g. N 1862–I „O wwidienii w diejstwije Zkona SSSR „Ob izmieniach i dopelniach Konstytucii (Osnownogo Zakona) SSSR w swiazi z sowierszestowanijem sistemy gosudarstwennogo uprawlenija,

9 Zakon SSSR ot 1 diekabria 1988 g. N 9853–XI, „Ob izmieniach i dopelniach Konstytucii (Osnownogo Zakona) SSSR”.

Constitution conducted between 1989 and 1992<sup>10</sup>. The reform of supreme organs of state authority in USSR and appropriately in the Russian Federation was conducted on the basis of these regulations.

The creation of a new organ – of the Congress of People’s Deputies, modelled on the appointed in the previous year Congress of People’s Deputies of the Soviet Union<sup>11</sup>, which resulted from the amendment to the RSFSR Constitution of 27<sup>th</sup> October 1989, was the crucial element of the first stage of Russian political evolution – the stage of moving away from the Soviet system institutions.

The Congress of People’s Deputies of the Russian SFSR consisted of 1068 deputies, 900 of whom were elected in the course of elections more democratic than before. Thus, the former monopoly of the Communist Party of the Soviet Union to propose candidates was broken, and also the rule of election competitiveness was introduced, which provided that many candidates were allowed to compete for the mandate of a people’s deputy, and not only one as it used to be before. The Congress of People’s Deputies of the Russian SFSR was the most important legislative organ with the power to change the republican Constitution. In practice, legislative functions were assumed by the permanently operating Supreme Soviet of the Russian SFSR, which was additionally vested in control functions.

One of the most important practical resolutions of the Congress of People’s Deputies of the Russian SFSR was adopting a declaration on the Russian SFSR sovereignty and recognizing the precedence of Russian legislation over the Soviet legislation. This created the opportunity to gradually assume the responsibilities of the Union’s organs by republican authorities, and resulted in slow dismantling of the Soviet Union’s power over the territory of Russia (this process intensified especially in 1991)<sup>12</sup>. An important element of the process of diverging from the

---

10 Amendments to the RSFSR Constitution: 1. RSFSR Constitution Amendment of 10<sup>th</sup> December 1992, 2. RSFSR Constitution Amendment of 9<sup>th</sup> December 1992, 3. RSFSR Constitution Amendment of 21<sup>st</sup> April 1992, 4. RSFSR Constitution Amendment of 1<sup>st</sup> November 1991, 5. RSFSR Constitution Amendment of 3<sup>rd</sup> July 1991, 6. RSFSR Constitution Amendment of 24<sup>th</sup> May 1991, 7. RSFSR Constitution Amendment of 15<sup>th</sup> December 1990, 8. RSFSR Constitution Amendment of 16<sup>th</sup> June 1990, 9. RSFSR Constitution Amendment of 31<sup>st</sup> May 1990, 10. RSFSR Constitution Amendment of 27<sup>th</sup> October 1989.

11 The Congress of People’s Deputies of the Soviet Union gathered once every year. It consisted of 2250 deputies, 1500 of which were elected in direct universal elections. As an assumption of the changes’ authors, it was supposed to be the most important legislative organ, possessing also the power to change the Constitution. However, in practice, the legislative organ was permanently constituted by the Supreme Soviet of the Soviet Union, elected by the Congress of People’s Deputies and additionally vested with control functions. An important element of the constitutional reform of the USSR of 1988 was making the Public Prosecutor General subordinate to the Congress of People’s Deputies and appointing the State Committee of Constitutional Supervision, which guarded the Soviet law’s constitutionality. The Committee consisted of the chairman, the chairman’s deputy and 21 members elected by the Congress of People’s Deputies for a 10–year term of office. In 1989 the composition of the State Committee of Constitutional Supervision was increased to 25 members and its scope of competence was specified. Zakon SSSR ot 23 diekabria 1989 r. N 974–I „Ob. izmieniieniah i dopolnieniiah statii 125 Konstitucii (Osnovogo Zakona) SSSR”.

12 M. Czajkowski, *Federacja Rosyjska*, (in:) *Ustroje polityczne krajów Wspólnoty Niepodległych Państw*, eds. W. Baluk, A. Czajowski, Wrocław 2007, p. 42.

Soviet constitutional system was introducing the principle of political pluralism to the Russian SFSR Constitution<sup>13</sup> and removing the regulation of the communist party's directorial role. According to the new constitutional provision all parties, organisations and social movements were obliged to operate under the provisions of the Constitution. At the same time, creation and operation of political parties, whose purpose was supposed to be a forcible change of political system, weakening the State's security, as well as inciting and increasing national and religious conflicts, were prohibited. This meant termination of single-party dominance and omnipotence, liquidation of legally sanctioned leadership of the communist party in the State; the opportunity to marginalize the role of the communist party in state and social life appeared<sup>14</sup>.

Another important element of Russian political system evolution was implementing the institution of the President of Russia. Implementation of a single-person head of state – the President<sup>15</sup> in Russia, was conducted on the basis of the act on constitution change of 24<sup>th</sup> May 1991<sup>16</sup>. The President of Russian SFSR was the most important organ of executive power, to whom the Council of Ministers was subordinated. The President obtained extensive scope of competence, including the right of legislative initiative as well as control and representative entitlements.

The first President elected in the course of direct and universal elections was Boris Jeltzin. The elections were settled already in the first ballot, which was held on 12<sup>th</sup> June 1991<sup>17</sup>. One of the first decrees issued by the President was the prohibition of political parties' activity within the territory of work places, organs of administration and other State institutions, including the army and forcible bodies<sup>18</sup>.

A very important factor, which accelerated Russian political transformation and, on the other hand, accelerated dismantling of the Soviet Union, "was the unsuccessful pro-communist putsch directed by the Vice-president of the Soviet Union – G. Yanayev"<sup>19</sup>, who stood in charge of a beyond-constitutional organ –

13 Zakon RFSRR ot 16 ijunia 1990 g. N 38–I „Ob izmieniach i dopolnienach Konstituciji (Osnownogo Zakona) RFSRR”, [http://www.constitution.garant.ru/DOC\\_83133.htm](http://www.constitution.garant.ru/DOC_83133.htm).

14 J. Kowalski, *Konstytucja Federacji Rosyjskiej a rosyjska i europejska tradycja konstytucyjna*, Warszawa–Poznań 2009, pp. 100–101.

15 This was a significant innovation since in the Soviet political tradition the head of state was usually collegiate, and in other words multi-personal. The function of the Soviet Union's head of state was held by the Presidium of the Supreme Soviet of the Soviet Union.

16 Zakon RFSRR ot 24 maja 1991g. „Ob izmieniach i dopolnienach Konstituciji (Osnownogo Zakona) RFSRR” g., [http://www.constitution.garant.ru/DOC\\_83124.htm](http://www.constitution.garant.ru/DOC_83124.htm)

17 The election of the Vice-president of the Russian SFSR was conducted together with the election of the President of the Russian SFSR. Under the provisions of the Constitution, eligibility to stand for election was given to any citizen of Russia who attained the age of 35 and was not older than 65 on the day of election and who was entitled to vote. The candidate for the President proposed a candidate for the Vice-president.

18 The decree of the President of Russia of 20th July 1991.

19 M. Granat, *Federacja Rosyjska*, (in:) *Ustroje państw współczesnych 2*, ed. E. Gdulewicz, Lublin 2002, p. 135.

the State Committee of the State of Emergency<sup>20</sup>. Direct effects of the failure of the putsch of 19–21 August 1991 were: the suspension of activity, and later making the communist party illegal, together with the nationalization of its possessions, the seizure of control over the army and state organs, together with the Security Service functioning within the territory of the Russian SFSR, by the President of Russia. As a consequence, under the provisions of the agreement of 8<sup>th</sup> December 1991, signed in Viskuli in Belovezhskaya Pushcha by the leaders of Russia, Belarus and Ukraine on 26<sup>th</sup> December 1991, the Soviet Union was dissolved. The name of the country was changed from the Russian SFSR to the Russian Federation<sup>21</sup> one day earlier, under statutory provisions. By these means Russia became an individual state being *de iure*<sup>22</sup>.

While summarising the first stage of Russian transformation, its evolutionary character should be noticed. The first stage of evolution of Russian political system was triggered by introducing, and actually only copying into the Constitution of the Russian Soviet Federative Socialist Republic, reformatory solutions already introduced and implemented in the Constitution of the Union of Soviet Socialist Republics.

An important element of the first stage of Russian political transformation was the declaration of sovereignty and precedence of the Russian law over the Soviet law.

The first stage of Russian constitutional system's evolution was terminated by assuming the constitutional initiative by the Russian SFSR and seizing control over organs of the Soviet State and transferring "the superiority over the armed forces as well as nuclear weapon to B. Jeltzin – the President of Russia, the State who assumes legal continuation after the Soviet Union"<sup>23</sup>.

The following stage of Russian political transformation was the period of constitutional temporary measure, which took place between 1992 and 1993. Constitution binding at that time was the Constitution of Russian Soviet Federative Socialist Republic of 12<sup>th</sup> April 1978 together with amendments implemented between 1989 and 1992. From the point of view of evolution of constitutional system of Russia, the Constitution revision of 21<sup>st</sup> April 1991 was especially signifi-

---

20 Broader on this subject: L. Bazyłow, P. Wiczorkiewicz, *Historia Rosji*, Warszawa 2005, pp. 562–565.

21 Wierchnyj sowiet RSFSR utwierdził Zakon RSFSR ot 25 diekabria 1991 goda № 2094–I Ob imienieni nazwanija gosudarstwa „Rossijskaja Sowietskaja Fiedieralnaja Sosjalistyczeskaja Respublika”, Wiedomostii sjezda narodnych dieputatow RSFSR i Wierchnownow Sowieta RSFSR, nr 2 c 1992 g., st. 62. The amendment entered into force at the moment of its adoption. The statute was published in the Russian Gazette of 6<sup>th</sup> January 1992.

22 M. Czajkowski, *Federacja...*, op. cit., p. 42.

23 A. Lityński, *Prawo Rosji i ZSRR 1917–1991, czyli historia wszechzwiązkowego komunistycznego prawa (bol-szewików)*. Krotki kurs, Warszawa 2010, p. 116.

cant<sup>24</sup>. The essence of this Constitution revision and, in smaller extent, of the two following revisions led to the change of the State's name and clearing the constitution from Soviet and socialist contents.

As a consequence of multiple amendments, the Constitution of the Russian Federation was a normative act, which was difficult to put into practice, which was archaic in its structure and which originated from socialism, reaching as far as the period of Leonid Brezhnev's government, that is mid-1970s. Between 1992 and 1993 Russian political elites were involved in a lively argument not on the need to adopt a new, modern constitution, but an argument on the model of government.

In the course of the debate, which was both political and legal, implementing different models of government in Russia, which were already adopted in Europe and in the world was considered. Also, the advantages and disadvantages of their practical use and so-called adherence to Russian conditions and traditions were assessed in the course of these discussions. Works on a new constitution also took place in the Russian parliament. Final stage of the constitutional debate concentrated on the parliamentary alternative of government together with strengthened presidency, which would stabilise the State. While observing the increasing and intensifying argument "President Boris Jeltzin, convinced about the need of strong, central power and about his own role as the guarantor of Russia's development and departure from communism, decided to broaden his entitlements and freedom of operation at the expense of legislative organs"<sup>25</sup>. As a result, the President dissolved the Supreme Soviet of the Russian Federation, issued a decree on 21<sup>st</sup> September 1993 on the stages of constitutional reform in the Russian Federation and gave the project of a new constitution of his own authorship, formally submitted by parliamentary presidential fraction, under a nationwide referendum<sup>26</sup>.

It seems that the mode to adopt the Constitution by means of a referendum was basically in the reality of Russia of that time, which was the time of lack of parliament, intensifying competition between political parties, and significant frustration of social attitudes, the only possible manner of adopting the new constitution. Constitution was passed on 12<sup>th</sup> December 1993 by means of a nationwide referendum, ended the period of constitutional temporary measure and of the constitutional crisis, whose results were tragic<sup>27</sup>. This period was characterised by an intense po-

24 Zakon RFSRR ot 21 aprjela 1992 g. N 2708-I „Ob izmjenienjach i dopolnjenjach Konstytuciji (Osnownogo Zakona) Rossijskoj Sowietsojkoj Fiedieratiwnoj Sossjalisticeskoj Respubliki". *Wiedomostii Sjezda narodnych dieputatow RSFSR i Wierchownowo Sowjeta RSFSR*, nr 20 c 1992 g., st.1084. The change entered into force at the moment of publishing in the Russian Gazette of 16<sup>th</sup> May 1992.

25 N.V. Riasanovsky, M.D. Steinberg, *Historia Rosji*, Kraków 2009, p. 663.

26 Konstytucja (Osnownoj zakon) Rossijskoj Fiedieracji Projekt predstavliennyj Prezidentom Rossijskoj Fiedieracji. The text of the Project of the Constitution of Russia submitted by the President of the Russian Federation was Publisher In Moskiewska Prawda of 5th May 1993.

27 In Russian constitutional law, the view that this was also a political crisis, which sharply polarized the interests

litical argument about the shape of the prospective model of government in Russia. It ended with a forcible alternative, imposed by the President, which took the form of dissolution of parliament and its exclusion from the following course of works on the new constitution. A great peculiarity of adopting the new constitution by means of a referendum was the combination of the referendum with the first, completely free and democratic parliamentary elections in Russia, elections to the Federal Assembly. This was precedence not only in the conditions found in Russia, which enabled the stabilisation of the State, and maybe even prevented its collapse.

The Russian Federation entered the final stage of political system evolution, the stage of relative political system stabilisation and creation of semi-presidential system of government. This period is equal to the period of the binding force of the Constitution of Russia of 12<sup>th</sup> December 1992, which has already lasted for 17 years. However, also in this period, amendments have been introduced to the Constitution. Most of them finished art. 65 of the Constitution, which defines the composition of subjects of the Russian Federation and was a result of changes introduced to the names of subjects included in the Federation. Therefore, the amendments were not connected, in any extent, with changing principles or constitutional regulations.

Two amendments to the constitution, enacted on 30th December 2008, were exceptional. The first was conducted by means of a federal act on changing the period of authorisations for the President of the Russian Federation and the State Duma<sup>28</sup> and lengthened the President's term of office from previous 4 years to 6 years (amendment to art. 81 of the Constitution) and also lengthened the State Duma's term of office from 4 to 5 years (amendment to art. 96 of the Constitution). Both amendments lengthening the terms of office were outvoted in the State Duma, as well as in the Federation Council in a very hasty manner and with a definite, even overwhelming majority of votes. In the course of a parliamentary debate, also voices critically assessing the proposed changes appeared. It was pointed out in particular, that the change of Constitution and lengthening the President's term of office may enable the current Prime Minister Vladimir Putin to serve for another 6-year term of office or even two six-year terms of office<sup>29</sup>. The implemented

---

of different political forces, is dominant. See, for instance: M.W. Bagłaj, *Konstytucjonnoje prawo Rossijskoj Fiedieracji*, Moskwa 2002, p. 92.

28 Fiedieralnyj zakon Rossijskoj Fiedieracji o poprawkie k Konstytuciji Rossijskoj Fiedieracji ot 30 diekabria 2008 goda № 6-FKZ „Ob izmieniini sroka polnomoczij Priezidenta Rossijskoj Fiedieracji i Gosudarstwiennoj Dumy”, Rossijaskaja gazeta ot 31 diekabria 2008 goda.

29 J. Rogoża, *Konserwacja władzy w Rosji w obliczu kryzysu*, Tydzień na wschodzie. Tygodniowy biuletyn analityczny dotyczący obszaru Rosji, Ukrainy, Białorusi, Kaukazu i Azji Centralnej (also in an English version: EASTWEEK) Ośrodka Studiów Wschodnich im. Marka Karpia. z 3 grudnia 2008r., p. 2. The author presents a thesis on the consolidation of powers in Russia and states that even in the case of other development of issues on the political scene in Russia, the risk of losing the power by people who currently govern the State, seems to be minimal.



changes lengthening terms of office will enter into force after the next presidential and parliamentary elections. Therefore, they will concern the closest terms of office and will partially determine further evolution of the constitutional system of the Russian Federation, probably in the direction of its stabilisation.

The second amendment to the Constitution was implemented by means of a federal statute on control entitlements of the State Duma towards the Government of the Russian Federation<sup>30</sup>. This amendment extended the regulations of art. 103 and 114 of the Constitution, which refer to the Federal Assembly and the scope of competence of the Prime Minister and government. The Constitution obliged the Prime Minister of the Russian government to submit to the State Duma an annual report on the results of government's operations and solution of problems pointed out by the State Duma. As a result, the implemented amendments significantly strengthened the control function of the State Duma towards the Prime Minister and government, preserving the former model of mutual relations between the legislative and executive powers, the manner of appointing government and retaining the catalogue of entitlements. As a consequence, the Government of the Russian Federation is an executive organ, whose leader is the President of the Russian Federation Government (the Prime Minister) appointed by the president with the consent of the State Duma.

Acting in accordance with collective responsibility principle, the federal government remains the main link of centralised government and administration of economic, social and educationally cultural spheres, as well as ensuring the State's order and security throughout the entire period of the binding force of the Constitution of the Russian Federation of 1993<sup>31</sup>. The Russian Federation Government possesses extensive entitlements, which characterise the executive. Some of these entitlements are: preparing the budget project and ensuring its implementation after it is adopted by the Federal Assembly, managing the federal property, ensuring observance of legality and fighting crime, as well as ensuring realisation of the State's policy, including observance of an individual's laws and freedoms.

A characteristic feature of the two amendments to the Constitution is preserving the contemporary status of a deputy, legal position and competence of the State Duma. This lower chamber of Russian parliament – the Federal Assembly of the

---

30 Fiedieralnyj zakon Rossijskoj Fiedieracii o poprawkie k Konstytucii Rossijskoj Fiedieracii ot 30 diekabria 2008 goda № 7–FKZ „O kontrolnych polnomoczijach Gosudarstwiennoj Dumy w otnoszenii Prawitelstwa Rossijskoj Fiedieracii” Rossijskaja gazeta ot 31 diekabria 2008 goda.

31 T. Bichta, M. Kowalska, W. Sokół, *System...*, *op. cit.*, p. 425.



Russian Federation is in the view of Constitution classified as representative and legislative organ<sup>32</sup>.

The State Duma consists of 450 deputies, who have been elected until now for a 4-year term of office, and from the next term of office – for 5 years. Deputy of the State Duma may only be a person who is a citizen of the Russian Federation, attained the age of 21 no later than on the day of the election and is entitled to participate in the elections. The State Duma Deputy cannot be at the same time a member of the Federation Council nor a deputy of any other representative organ of state authority or local self-government organ. The State Duma Deputies are professional members of parliament<sup>33</sup>. Deputies of the State Duma are entitled to immunity in the period of serving the mandate<sup>34</sup>. Therefore, they cannot be detained, arrested, subject to revision<sup>35</sup>, they also cannot remain under supervision<sup>36</sup>.

In accordance with constitutional model of Russia of 1993 the State Duma is a constant, permanently working organ, and not, as was in the Soviet parliamentary tradition, organ operating in the course of sessions. There is also term of office continuity, which means that the term of office of the former State Duma terminates when the newly elected State Duma begins its session. The Federation Council and the State Duma sit in separate sessions, individually and with open doors<sup>37</sup>. The State Duma and the Federation Council may gather in joint sessions for the purpose of hearing an address given by the President of the Russian Federation, an address of the Russian Federation Constitutional Court or speeches of foreign states' leaders.

Internal structure of the State Duma has been preserved. The structure is party-fractional and its core is constituted by parliamentary groups: fractions, created on the basis of parties and electoral blocs, which entered the State Duma, and groups of deputies consisting of members of parliament, who are not included in fractions<sup>38</sup>. The Federal Council and the State Duma elect the chairman and his deputies from among their members. The chairman and his deputies conduct the

---

32 The Federal Assembly consists of two Chambers – the Federation Council and the State Duma. Two representatives of each of the subjects of the Russian Federation: one from the representative and one from the executive organ of state authority, enter the Federation Council. The Federation Council is also a representative and legislative organ of the Russian Federation.

33 Deputies to the State Duma cannot remain in state service or run any other paid activity, apart from teaching, scientific activity, or any other creation, e.g. artistic.

34 A Deputy may be deprived of immunity by the State Duma on application from the Public Prosecutor General. In the case of a member of the Federation Council, the higher chamber of the Federal Assembly makes the decision, also on application from the Public Prosecutor General.

35 This does not apply to cases when a person is detained at the crime scene.

36 With the exclusion of cases listed in federal statute for the purpose of ensuring safety of other people.

37 In extraordinary situations provided by regulations of both Chambers, they have the right to conduct their session behind closed doors.

38 *Rosja. Współczesny system polityczny*, ed. J.I. Matwijkenko, M. Wilk, Łódź 2008, p. 33.

sessions and stand guard over the observance of internal regulations of the given chamber. The Federal Council and the State Duma create committees and commissions.

The competence of both the State Duma and the Federation Council have not evolved in the period of the binding force of the Russian Constitution of 1993. Some of the most important entitlements of the State Duma are: passing statutes, granting consent to the President of the Russian Federation to appoint the President of the Russian Federation Government, granting vote of confidence to the Russian Federation Government, appointing and dismissing the President of the Central Bank of the Russian Federation, appointing and dismissing the Chairman of the Financial Council<sup>39</sup> as well as half of its composition, appointing and dismissing the spokesman on human rights, announcing amnesty, bringing accusation towards the President of the Russian Federation for the purpose of removing him from the office.

The rule according to which resolutions of the Federation Council and the State Duma are enacted by means of the majority of votes of the overall number of these organs' members has also remained unchanged.

Obviously, legislative function is fundamental for Russian parliament<sup>40</sup>. Constitutional presentation of legislative procedure has also remained unchanged since 1993. The right of legislative initiative is vested in the President of the Russian Federation, the Federation Council, members of the Federation Council, deputies of the State Duma, government of the Russian Federation and legislative (representative) organs of subjects of the Russian Federation<sup>41</sup>.

Statute projects are submitted to the State Duma, with the exception that statute projects on introduction or abolition of taxes<sup>42</sup>, emission of state loans, change of the State's financial commitments as well as other statute projects providing expenses covered from the federal budget may be submitted exclusively on the condition of being subject to opinion from the Russian Federation Government.

Federal statutes are adopted by simple majority of votes of the overall number of deputies of the State Duma and are transmitted to the Federation Council for

---

39 The Financial Council controls the implementation of federal budget law.

40 The Constitution of Russia differentiates within this function a federal statute and a federal constitutional statute. Federal constitutional statutes are enacted in cases provided by the Constitution of the Russian Federation. A federal constitutional statute is passed if it was approved with the majority of at least 3/4 of votes of overall number of number of the Federation Council members and of at least 2/3 of votes of the overall number of Deputies of the State Duma. The President of the Russian Federation is obliged to sign a federal constitutional statute adopted by the means described above and to order its announcement within 14 days.

41 The Power of legislative initiative is also vested in (for cases falling within the scope of their competence): the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation and the Supreme Arbitration Court of the Russian Federation.

42 Also tax exemption cases.

examination within five days. A statute is considered approved by the Federation Council in two cases. Firstly, when more than half of the overall number of the chamber's members voted for adopting the statute. Secondly, if it was not examined by the Federation Council within fourteen days<sup>43</sup>. In the case when the State Duma does not agree with the decision of the Federation Council a federal statute is passed with the majority of at least two thirds of the overall number of votes of Deputies of the State Duma.

Statutes passed by the State Duma, which are subject to obligatory examination by the Federal Council are those, which concern: the federal budget, taxes and federal payments, financial regulations, monetary regulations, credit regulations, customs regulations, issue of money, ratification and renouncement of international agreements concluded by the Russian Federation, status and protection of State boundaries of the Russian Federation as well as war and peace.

A federal statute is transferred to the President of the Russian Federation within five days for the purpose of its signature and announcement. The President shall sign and order the announcement of the statute within fourteen days. The President may refuse to sign a statute. If the President of the Russian Federation rejects a statute within fourteen days from the day it was submitted, then the State Duma and the Federation Council shall examine this statute once more. If in the course of re-examining the statute is approved in the same form as it was previously passed with at least two thirds majority of the overall number of votes of the members of the Federation Council and the deputies of the State Duma, the President of the Russian Federation is obliged by the Constitution to sign this statute and order its announcement within seven days.

Stability of the Russian constitutional system is also determined by invariability of regulations concerning dissolution of the State Duma by the President before the end of its term of office. This is an entirely crucial regulation from the point of view of relations between the authorities. The President of the Russian Federation may only dissolve the State Duma in cases defined by the Constitution of the Russian Federation. The President is obliged to dissolve the State Duma in the case of three-time rejection of the proposed candidacies for the office of the President of the Russian Federation Government<sup>44</sup>.

Four situations are provided by the Constitution, in which the State Duma cannot be dissolved. First of all, the State Duma cannot be dissolved within a year from its election, despite repeated expression of vote of no confidence to the Federation

---

43 In the case of rejecting a federal statute by the Federation Council both chambers of parliament have the right to create parliamentary mediatory commission. Its purpose is to overcome the existing divergence. In such a case, a federal statute shall be examined by the State Duma once more.

44 This results in ordering earlier elections to the State Duma.

Government in the course of three months. Secondly, dismantling the State Duma is also inadmissible in a situation when the Duma brings an accusation towards the President of the Russian Federation, until the decision is made by the Federal Council. Thirdly, dismantling the State Duma is also impossible in the period when the entire territory of the Russian Federation is subject to the rules of martial law or state of emergency. Finally, the lower chamber of the parliament cannot be dissolved also within the last six months of the Russian Federation President's term of office.

In the case when the State Duma is dissolved, the President of the Russian Federation settles the date of elections within such time that will allow the new State Duma to assemble for its first session no later than four months after the moment of dissolution.

Both constitution amendments of 2008 have become a part of the process leading to consolidation of organs of authority and are an element of strengthening the position of the President and the State Duma. They also strengthen the control entitlements of the State Duma towards the Federation Government. Constitutional changes determine realisation of views on the necessity to ensure success and effectiveness of the state organs' functioning, which is prevailing in the Russian doctrine of law<sup>45</sup>.

Evolution of the political system of the Russian Federation has not only been conducted by means of changing constitutional regulations. Since 2000 that is practically since the beginning of Vladimir Putin's presidency significant alternations have been introduced to the functioning of the political system of Russia in the statutory course<sup>46</sup>. They consist of weakening the constitutional position of the Federation Council – the higher chamber of Russian Parliament, introducing more effective and fuller control over federal subjects and weakening the principle of federalism in its previous form, strengthening the position of the President towards the Constitutional Court by means of changing the manner of selection of the chairman and two chairman deputies of the Constitutional Court, as well as broadening the scope of competence of the head of state concerning the issue of using the Armed Forces.

Weakening the constitutional position of the Federation Council, and as a result of this, lowering the rank of this organ, was realized on the basis of the reform performed in 2000. The reform resulted in the fact that its members may only be people proposed by the executive and legislative organs of the Federation's subjects

---

45 M. Granat, *Federacja...*, *op. cit.*, p. 135.

46 This is possible due to general provisions of the Russian Federation Constitution, for instance, concerning the manner of creating the composition of the Federation Council.

from outside their composition. This is a very important change since from 2000 the members cannot be the chairmen of the Federation subjects' executive organs or the presidents of local governments, as it used to be. This significantly weakened the actual status and legal position of these people. At the same time the fact that it was not decided to change the small scope of competence of the Federation Council and to change the political relations with the State Duma, the President and other state organs is worth mentioning. In relation to this, the Federation Council, the higher chamber of the Federal Assembly, is a permanent organ and possesses the following entitlements, which have remained unchanged for seventeen years: the power of legislative initiative, the right to submit amendments to statutes passed by the State Duma, ordering presidential elections, approving borders between the member states of the Russian Federation and approving presidential decrees on the introduction of martial law or state of emergency in either the entire territory of Russia or in its part. The role of the Federation Council is not only restricted to those entitlements, because it also realises an extensive creative function. It is in particular composed of: appointing the judges of the Constitutional Court of the Russian Federation, appointing the judges of the Supreme Court of the Russian Federation, appointing the judges of the Supreme Arbitration Court of the Russian Federation, appointing and dismissing the Public Prosecutor General of the Russian Federation as well as appointing and dismissing the Chairman of the Financial Council of the Russian Federation together with half of its composition. The Federation Council, as the higher chamber of the two-chamber Russian parliament remains a characteristic representation of subjects – members of the Russian Federation.

An important element of political transformation is the introduction of more effective control over federal subjects by means of appointing in 2000 federal districts, which are an integral part of presidential administration and are of course directed by the President's representatives. Territory of entire Russia was divided into seven federal districts. Therefore, the President strengthened his supervision over this crucial sphere of public life and the State's functioning. Control of executing competence by subjects of the Russian Federation and supervision over observing federal law lie within their scope of competence. For the purpose of strengthening the control of the centre over the subjects of Federation, the authorities resigned from direct election systems of the leaders of these subjects. The previous system was replaced with the elections of presidents and governors by local legislative assemblies on application from the President of the Federation. Hence, they were significantly subordinated to the President of the Federation, who also gained a new, and as shown by practice, effective instrument of influence on the uniform and consistent with his orders functioning of federal structures of the State.

Strengthening position of the President towards the Constitutional Court of the Russian Federation was conducted under the provisions of the amendment to the act on the Constitutional Court of the Russian Federation of the 22<sup>nd</sup> May 2009<sup>47</sup>. The main change concerns the alternation of mode of election of the Chairman and two Chairman Deputies of the Constitutional Court. After the amendment of 22<sup>nd</sup> May 2009 the Chairman and the two Chairman Deputies of the Constitutional Court are appointed from among the composition of judges of the Constitutional Court on application from the Russian Federation President by the Federation Council. This is then an identical mode to the mode of selection of nineteen judges of the Constitutional Court, who are also appointed by the Federation Council on application from the President, since the beginning of the binding force of the Statute on the Constitutional Court of the Russian Federation of 21<sup>st</sup> July 1994<sup>48</sup>. At the same time, under the provisions of the same amendment, the term of office of the Chairman as well as two Chairman Deputies was lengthened from three to six years<sup>49</sup>.

It is worth emphasizing that from the moment of the Russian Federation Constitution entry into force, the scope of the Constitutional Court's competence has remained unchanged. The Constitutional Court decides about the consistency with the Constitution of the Russian Federation of:

- 1) federal statutes and normative acts of the Russian Federation President, the Federation Council, the State Duma and the Russian Federation Government;
- 2) constitutions of republics, statutes, as well as laws and other normative acts of the subjects of the Russian Federation, issued in cases which fall within the scope of competence of the Russian Federation subjects' state organs and the joint scope of competence of state authority organs, the Russian Federation subjects;

---

47 The current text Fiedieralnyj konstitucyjnyj zakon ot 21 ijulia 1994g., N 1–FKZ „O Konstitucjonnom Sudie Rossijskoj Fiedieraciji” (s izmieneniami ot 8 fiewralia, 15 diekabria 2001 g., 7 ijunia 2004 g., 5 apriela 2005 g., 5 fiewralia 2007g., 2 ijunia 2009 g.) on the webpage of the Constitutional Court of the Russian Federation: <http://www.ksrf.ru/Docs/Pages/fkzrf.aspx>.

48 Until then the judges elected the Chairman from among its composition in a secret ballot.

49 Broader on the subject of the amendment (in:) *Kreml formalizuje kontrolę nad Trybunałem Konstytucyjnym*, Tydzień na wschodzie. Tygodniowy biuletyn analityczny dotyczący obszaru Rosji, Ukrainy, Białorusi, Kaukazu i Azji Centralnej (also in an English version: EASTWEEK) Ośrodka Studiów Wschodnich im. Marka Karpia. z 27 maja 2009r., p. 7. "Decision on the manner of choice of the chairman of the Constitutional Court is a formal step, which well illustrates the actual control of the authorities over the judicial system. Already in the time of Vladimir Putin's presidency, the Constitutional Tribunal retained an attitude of loyalty towards the authorities and rejected applications from the opposition, which sued statutes limiting civic rights (for instance, the act on referendum in 2007). Strengthening the control over independent constitutional organs, which began during Putin's presidency, has been continued after assuming the office by Dmitry Medvedev, despite the fact that some of the most important of the current President's postulates are voices to create an independent justice administration and "overcoming legal nihilism" (JR).

- 3) agreements between organs of state authority of the Russian Federation and organs of state authority of the Russian Federation subjects as well as agreements between the subjects of the Russian Federation;
- 4) international agreements, which were concluded by the Russian Federation, but did not enter into force.

The Constitutional Court implements the function of control of constitutionality of law on application from the President of the Russian Federation, the Federation Council, the State Duma, one fifth of the members of the Federation Council or deputies of the State Duma, the Russian Federation Government, the Supreme Court of the Russian Federation and the Supreme Arbitration Court of the Russian Federation, as well as organs of legislative and executive authority of the Russian Federation subjects.

The Constitutional Court of the Russian Federation also settles positive as well as negative competence disputes between federal organs of state authority, between organs of state authority of the Russian Federation and organs of state authority of subjects of the Russian Federation, as well as between leading state organs of the Russian Federation subjects.

Moreover, the Constitutional Court of the Russian Federation performs interpretation of the Russian Federation Constitution. Constitutional interpretation is conducted on application from the President of the Russian Federation, the Federation Council, the State Duma, the Russian Federation Government and organs of legislative authority of the Russian Federation subjects.

The Constitutional Court of the Russian Federation also examines constitutional complaints concerning violation of the constitutional rights and freedoms of citizens, and examines, on application from court, consistency of a federal statute implemented or applicable in the given case with the Constitution in the course provided by federal act.

On application from the Federation Council, the Constitutional Court of the Russian Federation also makes judgments on observing the procedure of bringing accusation to the President of the Russian Federation in the case of high treason or committing any other severe crime.

Under the provisions of federal statute of 19<sup>th</sup> January 2007 on the transfer of the Constitutional Court's permanent place of residence from Moscow to Saint Petersburg<sup>50</sup>, the headquarters of the Constitutional Court of the Russian Federation were transferred to Saint Petersburg.

---

50 Fiederalnyj konstitucyjnyj zakon № 2–FKZ. The Constitutional Court of the Russian Federation began functioning in the new seat, former place of residence of the Imperial Senate and Synod of 20<sup>th</sup> May 2008.



Broadening the head of state's scope of competence concerning the use of Russian Armed Forces was also a significant element of strengthening the Russian Federation President's political position. The Federation Council authorised the President on 16<sup>th</sup> December 2009 to decide about operational use of the Russian Federation's Armed Forces beyond the borders of Russia<sup>51</sup>. As a consequence, the President determines the kind and number of combat units, determines the area or regions of its operations (including combat operations), specifies the time of the operations, decides about the targets and tasks which are supposed to be realised, and orders the termination of an operation and the retreat of armed forces. By these means the President was vested with the power to send the Russian army outside the borders of Russia without applying for the prior consent of the Federal Council together with preserving the constitutional regulation about examining by the Federal Council the case of possible use of the Russian armed forces beyond the borders of the Russian Federation. The Federation Council consent is consequent. It is worth emphasizing that in the light of previous political practice, the Federal Council's consent was also only an obvious formality<sup>52</sup>. The changes introduced induce the statement that the purpose of the introduced changes is to facilitate the decision-making process concerning the use of Russian Armed Forces by means of its acceleration. This fact seems to be confirmed also by the earlier broadening of statutory cases of allowing for the use of Armed Forces of the Russian Federation. Under the provisions of amendment to the act on defence passed by the State Duma on 23<sup>rd</sup> October, Russian army may be employed outside the territory of Russia in the following situations: fighting piracy, for the purpose of ensuring security of navigation, repelling the acts of aggression against another State, preventing acts of aggression against another State, repelling attack on the Armed Forces of the Russian Federation, repelling attacks on other armies dislocated beyond the territory of Russia and protecting citizens of the Russian Federation outside the borders of Russia<sup>53</sup>.

General strengthening of the President's political position in the period discussed, by broadening his scope of competence was justified with the need to

51 The *Federation Council grants the right of operational use of armed forces to the President*, Tydzień na wschodzie. Tygodniowy biuletyn analityczny Ośrodka Studiów Wschodnich im. Marka Karpią. z 16 grudnia 2009 r., p. 8.

52 At the same time, the representative of the President in the Federation Council – Aleksander Kotienkov – stated that in the case of long-term dislocation of the armed forces beyond the borders, the President shall still ask for the consent of the Federation Council for their use. He also claimed that the adopted solution is consistent with global models (referring to the examples of the USA and France), and the change itself, contrary to the voices of criticism, does not contradict the Russian Constitution. *Rada Federacji daje prezydentowi prawo operacyjnego użycia sił zbrojnych*, Tydzień na wschodzie. Tygodniowy biuletyn analityczny Ośrodka Studiów Wschodnich im. Marka Karpią z 16 grudnia 2009 r., p. 8.

53 Broader on this subject: *Duma zwiększyła uprawnienia prezydenta do użycia wojska za granicą*, Tydzień na wschodzie. Tygodniowy biuletyn analityczny Ośrodka Studiów Wschodnich im. Marka Karpią. z 28 października 2009 r., p. 6.

strengthen the State and improve effectiveness of its organs' functioning. It should be noted here, that Russia was treated not only in Russian literature as a presidential republic until the moment of broadening the scope of the President's entitlements<sup>54</sup>. This is shown not only by the number and scope of entitlements, but also constitutional status and mode of election<sup>55</sup>.

In the Russian system the head of state – the President of the Russian Federation is not an element, component of organs constituting the classical tri-section of powers. Therefore, it is not an organ of executive power as the Russian Federation Government, but it is the head of state and the guarantor of the Russian Federation Constitution, the safeguard of sovereignty of the Russian Federation, its independence and state integrity as well as the rights of an individual and of a citizen.<sup>56</sup> It is significant that during the 17 years of the binding force of the Constitution, the basic shape of regulations of the President's constitutional position has remained unchanged.

The President of the Russian Federation is elected by the citizens of the Russian Federation by means of universal, equal and direct electoral law in a secret ballot. The President of the Russian Federation may only be elected a citizen of the Russian Federation, who attained the age of 35 no later than on the day of the election. The Constitution, while determining the eligibility to stand for election also introduces the qualification of domicile. A candidate must permanently reside on the territory of the Russian Federation for at least 10 years. The Constitution does not allow to hold the office of the President of the Russian Federation by one person for more than two subsequent terms of office. The President of the Russian Federation is vested with immunity.

The President of the Russian Federation possesses numerous creation entitlements. These include: appointing the President of the Russian Federation Government with the consent of the State Duma, appointing and dismissing the deputies of the president of the Russian Federation Government and federal ministers on application from the President of the Russian Federation Government, the right to propose a candidate for the President of the Central Bank of the Russian Federation to the State Duma<sup>57</sup>, proposing candidates to the federation Council for the offices of judges of the Constitutional Court of the Russian Federation, the Supreme Arbitration Court of the Russian Federation and the Public Prosecutor

---

54 R.W. Engibarjan, J.K. Krasnow, *Konstytucjonnoje prawo. Uczebnik dla wuzow*, Moskwa 2000, p. 239.

55 E.W. Ochotskoj, *Gosudarstwiennoje uprawlenije w sowremiennoj Rossii*, Moskwa 2008, p. 256.

56 Art. 80 of the Russian Federation Constitution.

57 The Russian Federation President possesses the right to submit an application to the State Duma for the dismissal of the President of the Central Bank of the Russian Federation from the Office.

General of the Russian Federation<sup>58</sup>, appointing judges of other federal courts, appointing and dismissing plenipotentiary representatives of the Russian Federation President, appointing and dismissing the Supreme Commander of the Armed Forces of the Russian Federation as well as appointing and dismissing diplomatic representatives of the Russian Federation in foreign countries and international organisations, after consulting appropriate committees or commissions of the Chambers of the Federal Assembly.

Moreover, the President is vested with the right to Preside over sessions of the Russian Federation Government and to decide about the dismissal of the Russian Federation Government.

The President's entitlements concerning the State's security are extensive. He is the Supreme Commander of the Armed Forces. He is also the Chairman of the Council of Security of the Russian Federation. He approves the military doctrine of the Russian Federation. In the case of aggression against or direct threat of aggression martial law is introduced on the territory of the Russian Federation or in its particular parts, with an immediate notification of the Federal Council and the State Duma. He is also entitled to implement the state of emergency on the territory of the Russian Federation or in its particular parts, together with an obligation to immediately notify the Federal Council and the State Duma.

The President's entitlements concerning foreign affairs are extensive. The President directs the foreign affairs of the Russian Federation, conducts negotiations and signs international agreements of the Russian Federation. He also signs ratification letters and accepts letters of credence and letters appealing accredited diplomatic representatives.

Entitlements, which fall within the Russian President's scope of competence are also: issuing decrees and directives binding within the territory of the Russian Federation<sup>59</sup>, suspending the binding force of acts of executive organs of the Russian Federation subjects<sup>60</sup>, ordering the State Duma elections, dissolving the State Duma, ordering a referendum, right of legislative initiative, signing and announcing federal statutes, addressing the Federal Assembly with annual speeches about the State's conditions and basic directions of internal and foreign State policy,

---

58 The Russian Federation President possesses the right to submit an application to the Federation Council for the dismissal of the Public Prosecutor General of the Russian Federation from the Office.

59 The President's decrees and directives cannot contradict the Constitution of the Russian Federation or federal statutes.

60 This is admissible when acts of organs of executive Power of the Russian Federation subjects are non-conforming with the Russian Federation Constitution, federal statutes or international responsibilities of the Russian Federation or violate rights and freedoms of an individual or a citizen, until the case is decided by appropriate court.

concluding competence litigations in the course of mediatory procedures<sup>61</sup>, creating presidential administration, concluding cases of the Russian Federation citizenship, granting the right of political asylum, granting state distinctions, awarding honorary titles of the Russian Federation, promoting to higher military ranks and higher special titles as well as implementing power of pardon.

Passing the act on political parties of 21<sup>st</sup> June 2001<sup>62</sup> was a very important change, which did not affect directly the political system of Russia, but as a consequence had some influence on the system. The act provided new regulations of financing political parties and strengthened the State's control over their financing. Political parties practically attained a monopoly to propose candidates for every kind of elections<sup>63</sup>. Two so-called electoral thresholds were introduced – the threshold of 7% and of 5%<sup>64</sup> together with a regulation according to which parties which have over 10.000 members and possess over 100–person party structures with half of the subjects entering the composition of the Federation Council are entitled to propose candidates for elections. The reform of legal status of political parties consolidated and ordered the party system in Russia. Therefore, the fundamental purpose of the statute was achieved. The period when the party system in Russia was characterised by high level of fragmentarisation together with low level of stability, appearance of new parties who obtain significant political potential in the elections, seems to have passed into history<sup>65</sup>.

From the perspective of time, one may claim that reforms of the political system in Russia, conducted both in the period of Vladimir Putin's presidency and Dmitry Medvedev's presidency<sup>66</sup> possess two explicitly stated purposes to achieve.

- 
- 61 Between the organs of state authority of the Russian Federation and organs of state authority of the Russian Federation subjects; as well as between the organs of state authority of the Russian Federation subjects. In the case when an agreement is not achieved, the President may transfer settlement of the litigation to the pro-pr court.
- 62 Fiederalnyj Zakon Rossijskoj Fiedieracji ot 21 ijunia 2001g. O politiczeskich partiach, N 95–FZ, <http://www.isbircom.ru/zakon/federalnyi-zakon-o-politicheskikh-partiyakh?page=0,15>
- 63 Other social organisations are entitled to participate In elections and to propose candidates Only In coalition blocs with political parties.
- 64 Electoral blocs which focus at least two political parties or a political party and another social organisation participate in the division of mandates after they meet the 7% prohibitive clause in the scale of the whole country. Political parties participate in the division of mandates after they meet the 5% prohibitive clause in the scale of the whole country.
- 65 T. Bichta, M. Kowalska, W. Sokół, *System...*, op. cit., p. 404.
- 66 J. Rogoża, M. Kaczmarek, *W cieniu Putina: pierwsze orędzie prezydenta Miedwiediewa*, Tydzień na wschodzie. Tygodniowy biuletyn analityczny Ośrodka Studiów Wschodnich im. Marka Karpia. z 5 listopada 2008 r., pp. 2–4. The authors perform a highly specific analysis of the first address of Dmitry Medvedev to the Federal Assembly. "The most important internal policy postulate was lengthening the President's term of office to 6 years, what can be interpreted as acting with the interest of V. Putin, who presumably plans to return to the office of the President. The "internal part" of the address consisted of two fundamental elements: the proposition of Russian political system democratisation and postulates, which can be interpreted as Russia's ruling elite aspiration to consolidate their power. Among the democratic postulates of the President Medvedev was, i.a. granting to parties which do not attain the 7% electoral threshold (but obtain over 5%) 1–2 deputy mandates; showing by public media occurrences connected with political parties (and not only the "party in power");

First of all, strengthening the political position of the Russian Federation President through broadening his scope of competence is a first priority. Undoubtedly, also the lengthening of the President's term of office serves the same purpose. However, before the changes in this scope were defined and amendments to the Constitution were performed, it was considered to abolish the constitutional prohibition to serve the President's office for more than 2 terms of office<sup>67</sup>. Adopting such a solution would theoretically enable Vladimir Putin – the former President of Russia – to stand for the third term of office, and probably his victory over possible counter-candidates. I think that such a possibility should not be excluded despite such a change has not been worded or submitted. In my opinion, change and lengthening the President's term of Office to 6 years means legally opening, in legal terms, the way to stand for election once more for the current Prime Minister – Vladimir Putin. However, Russian political elites will decide whether this will happen.

The second purpose is correcting the constitutional principle of federalism, in the direction of weakening it and strengthening the country through its centralisation. This purpose was achieved through changing the mode of members of the Federation Council election, reforming procedures of appointing the chiefs of Federation subjects and introducing federal districts directed by the President's representatives.

A characteristic feature of political evolution conducted in Russia in recent years, which depended on explicit strengthening of the President's position, is also the strengthening the legal position of the State Duma in the system of state organs, together with retaining its former scope of competence. This is pointed by the two constitutional amendments discussed earlier, which allowed for lengthening of the State Duma's term of office and broadening its control entitlements towards the Federation Government. This is an individually Russian phenomenon. Its essence

---

increasing the engagement of social organisations into the legislative processes. Medvedev called for fighting bureaucracy, continuing the reform of judiciary (including the increase of the administration of justice's transparency). In the address he repeated the postulates for increasing the civil liberties many times with pressure. It should also be added that most of these postulates also appeared in the presidential addresses given by Putin in the previous years and they were contradictory to the majority of actions undertaken by him". The authors also show different scenarios of possible political occurrences in Russia and their possible consequences both in the short and long-term perspective.

67 Russia/the Vice-minister for the amendment to the Constitution and Putin's third term of office. Bulletin of the Polish Press Agency of 29<sup>th</sup> January 2007. "Vice-minister of justice – Vladimir Kolesnikov proposed on Monday introducing changes to the Constitution, which would allow President Vladimir Putin to stand for the election for the third term of office in 2008. "The Constitution of the provisional period has already served its historic mission. Now, we should adopt a new one." – said Kolesnikov in the Federation Council, the higher chamber of parliament. According to him, the article, which prohibits the President to serve the office for more than 2 four-year terms of office, should be changed first of all. "Is it normal? Only 4 years for a president of such a great country? This time is insufficient to control the entire country" – he said. Kolesnikov presented an example of "such a stable democracy as France", where the President is elected for seven years. "Time flies" – he pointed out. Some Russian politics mentioned earlier conducting a referendum on this matter, referring to the polls, in which 57% of Russians support constitutional changes enabling Putin to hold the office. Putin himself said a few times that he is against this, because change to the Constitution might have threatened the State's stability". <http://wiadomosci.gazeta.pl/Wiadomosci/1,80708,3884042.html>

is, that strengthening the political position of the Russian Federation President is not conducted at the expense of weakening the legal position of the State Duma. Actually, it is the opposite, since strengthening the status of the Russian head of state is accompanied by strengthening the legal status of the Russian parliament's lower chamber. It is important that this process of political reconstruction is accompanied by weakening the status of the Russian higher chamber and the government. While assessing the Russian constitutional evolution, which we have been witnessing within the recent years, it should be noted that this is a well-thought-out evolution and not accidental reform. It seems that it does not serve provisional political purposes, or as some may put it, consolidation of political government. It has an explicit purpose: strengthening the State of Russia.

Currently there are many premises, including harmonious and peaceful cooperation of the President and the Prime Minister and their mutual relations with the parliament, pointing to the conclusion that the process of constitutional system evolution, which began more than 22 years ago will continue. Undoubtedly, it will be directed to further strengthening of the State's structure and of effectiveness of its state organs' functioning, and, let's hope so, consolidating democracy. This is necessary for Russia, Europe, as well as the entire world.